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BY THE SENATE,

FEBRUARY 25TH, 1874.

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By order,

AUGUSTUS GASSAWAY,

Secretary.

REPORT

OF THE

COMMANDER

OF THE

Oyster Fisheries and Water Lobol

OF

MARYLAND,

TO HIS EXCELLENCE, THE GOVERNER,

AND THE

Commissioners of the State O. P. Force,

JANUARY 1ST, 1874.

ANNAPOLIS:

WM. T. IGLEHART & Co., PRINTERS TO THE SENATE.

1874.

REPORT
ON THE
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OF
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JANUARY 1st, 1874.

To the Honorable the Commissioners

of the State Fishery Force:

GENTLEMEN:—By the Act of the General Assembly, passed 1870, Chapter 364, Section 35, I am required to make to your Honorable Body a Report every two months of all official action taken under the Law. The Reports have all been regularly made to the 1st day of November, 1873. I have thought it proper, as the General Assembly meets in January next, to submit such views as observation has taught me since I have been in charge of the Force, relative to the condition of the Oyster beds, and the effectiveness of the Force to execute the Law.

The Chesapeake Bay and the Rivers emptying into it, are said to produce more Oysters than any other waters in the World of the same area. That portion of the Bay which lies within the Territory of Maryland, commencing at the mouth of the Potomac River to the head of the Bay, above Swan Point, where the waters become too fresh for Oysters to exist, extends a distance of one hundred and twenty miles, and Oysters appear to be over a large portion of this area. Many of these Oyster beds have never yet been dredged.

There is, for instance, a very large Oyster bed off Smith's Island and "Kedges Straits," extending over perhaps twen-

ty-five (25) square miles, on which a vessel dredging is seldom, if ever, seen. The Oysters are very inferior, never having been broken up by dredging, for the reason that good harbors are a considerable distance from the beds. If scarcity should necessitate the catching of those Oysters, they will be taken by the dredgers, but they never will be caught until the Oysters in the more sheltered places become so scarce that it will not remunerate Oystermen to continue dredging in those localities, and in those portions of the Bay near good harbors.

The Tangier and Pocomoke Sounds have been dredged, perhaps, as much, or more than any portion of the Chesapeake, and they still continue to be dredged, tonging having almost entirely ceased in those waters. Judging from the number of vessels at work in those Sounds, we are almost lead to the conclusion that the Oysters are all taken up every season, the marketable ones culled out, and the small ones thrown into the water again with the shells taken up by the dredges, and yet the number thrown back, with the small ones sticking to the shells, is equal many times to the number of marketable ones kept on board the vessel, and by another season these become marketable, when the same process of catching them is gone through with again; and, when thus cultivated, they are almost, if not equal, to planted Oysters. This mode of catching Oysters in those Sounds has been going on every season for thirty years (30) at least, and they have not yet been exhausted, and if there had never been an Oyster caught in either of those Sounds with a dredge, there would be but few good Oysters to be caught now in those waters. As it is, the Oysters are almost continuous from one end to the other of those Sounds, the dredging having spread the shells, which compose what is called Oyster Rock, until they all meet; consequently the whole bottom has more or less Oysters upon it. If dredging for Oysters would destroy them, those Oystermen in the locality of those Sounds would have found it out before this, for it is their chief support, and when the Oystermen located on those Sounds are convinced that it is destroying them, I have no doubt the Legislature of Maryland will be petitioned to

reinstate the old way of catching Oysters with tongs, rakes, &c.

I will here insert an extract taken from the Report of Commander Orris A. Brown, of the Virginia Oyster Force, for 1872, page 8, which gives the area and production of those Sounds, in which he says :

“This is in the two Sounds referred to, outside of all Rivers and Creeks, an estimate area of 9,700 acres of Oyster ground; those beds afford work to fourteen hundred men, who receive an average of \$15.00 per month for each man, making a monthly income for the labor alone of \$21,000, and this, in an Oyster season of nine months, amounts to \$187,000. We have no means of knowing what the capitalists (the owners of the vessels) make, but in saying \$100,000, I think it would be a very small estimate probably, and I expect that double this sum would be nearer the figure; but take it certainly within bounds, and estimate the total for capital and labor at \$289,000, it will be seen then that these Oyster beds are paying about \$29.50 per acre per year.”

Now many persons think that the Oysters having been made scarce in the English Channel, and its tributaries, by dredging, that the same result will follow here, which I am inclined to doubt, for I do not look upon them as analogous cases, from the fact that the rise and fall of the tide is so very great in England, say at least twenty-five (25) feet, and the current must be very rapid, say ten miles per hour, that the Oyster spat must be very much injured and torn to pieces by the rapidity of the current, while in our waters of the Chesapeake and its tributaries we have a dull sluggish current, from one to three miles per hour, which gives the spat plenty of time to stick to any hard substance with which it may come in contact.

There appears to be a fear entertained by some persons that the Oysters will become very scarce or be extinguished in the Chesapeake and its tributaries soon. I think no such danger exists, although some persons express themselves as though they thought there were just so many Oysters made when the World was created, and when a bushel is caught there are just

so many less than there were at the creation, and consequently they will all be gone very soon. On the contrary, they are among the most prolific things of the creation, as I will here show by an extract taken from the Patent Office Report of 1868, page 345, which says: "From the great prolificacy of the female Oyster, it might readily be inferred that the increase would far exceed the demands, great as they are upon the natural beds. A single female Oyster contains about two millions ova, all of which, under favorable circumstances, should develop into perfect Oysters. But in deep water most circumstances are unfavorable to the existence of the ova and spats, they are beset by enemies and casualties from the spawn until the shell of the young become sufficiently formed and hardened to afford protection."

Now if dredging was making our oysters scarce, or likely to destroy them, we should begin to see it in another way. It is a fair estimate to say, that the consumption of Oysters in this country has increased fifty fold in twenty years, and many say in a much larger ratio, yet the supply has kept up with the demand, almost without any increase in price. When the dredging season expired May 15th, 1873, Oysters were selling in Poplar Island Narrows, and many other localities and tributaries of the Chesapeake, for from ten to fifteen cents per bushel, showing that they were quite plenty notwithstanding the chronic cry that they will soon all be gone. In Harris' Creek, in Talbot county, I am credibly informed that they sold as low as two cents per bushel, to be burnt into lime. This grows out of the fact that they are perfectly worthless to sell for Oysters, and I think they will remain so until the beds are broken up and the Oysters thinned out by some process. By the Act of the Assembly of 1870, Chapter 129, the citizens of Dorchester county were granted the privilege of scooping Oysters (which is only dredging by another name) in all those waters in Hougou River and that part of Fishing Bay which lies to the southward and westward of a straight line drawn from the middle of the mouth of Tedious Creek to Clay Island Light House, which is a body of water comprising a portion of what is known as "Hooper's Straits," yet it is a small por-

tion of the Oyster grounds of Dorchester county. There were issued by the Clerk of the Circuit Court of said county 132 licenses to scoop Oysters on those grounds, for which the School Fund of said county received for one season—from October 1st, 1872, to May 1st, 1873, \$1,900.00. Dorchester and Somerset counties are the only counties that have Local Laws allowing their citizens to scoop or dredge Oysters in their local waters; all the other counties catch their Oysters with tongs. The number of scooping and dredging licenses issued by the Clerk of the Circuit Court of Somerset county, from the 15th September 1872, to the 15th of May 1873, were (which embraces one season) two hundred and seventy-five, (275,) and the amount arising from said licenses, which goes to the School Fund of said county, was \$2,475.00. Notwithstanding these large amounts which those two counties derive from their local dredging or scooping laws, much the larger portion of their Oyster grounds are set apart for the tongsmen, who pay a tax on their canoes to the State. I don't think that the portion of Oyster grounds of Dorchester set apart for scooping would amount to more than one-tenth, yet she receives for that tenth \$1,900.00, which enables her to support better schools, and relieves her landed interest of tax to that extent.

Now if all her waters were allowed to be scooped or dredged for Oysters, the same ratio would give her from fifteen to twenty thousand dollars for school purposes, which would enable her to give all the children of the poorer classes a good education.

Somerset county dredges a much larger portion of her Oyster grounds, and I think from what experience has shown, the citizens of those counties will be more likely to extend rather than restrict scooping and dredging in their local waters.

There appears to be a marked difference in the price of real estate in those sections where they have Local Laws to dredge and scoop their Oysters. Land is much higher on Deal's Island, Elliott's Island and Holland's Island, than it is on Poplar Island or Kent Island, where the Oystermen confine themselves to tonging, and I think it grows out of the fact

that where they scoop and dredge Oysters the resources are utilized to the full capacity of the production of the Oyster beds, which makes money more plenty in that particular section. No one can dispute the fact, that the Great Choptank, Little Choptank, and every other River so far as it has salt water, have more or less Oyster beds in them that are almost worthless, from the fact that the Oysters want thinning out.

The very fact that several of the counties have procured laws to be passed that the Oysters shall not be burnt into lime, is an admission that the Oysters are worthless, for lime at the kilns can be bought for five cents per bushel, and it must be a very poor Oyster that is not worth that price—hardly worth taking care of.

This groundless apprehension that the Oysters in the Chesapeake and its tributaries would soon be destroyed, appears to have been feared many years ago, long before the Oyster became such an important article of trade to the citizens of Maryland, as will be seen by the following Acts of the Legislature :

By the Act of 1829, Chapter 87, Sec. 10, a law was passed prohibiting rakes or tongs to have more than six teeth to catch Oysters, except in Chesapeake Bay and Potomac River.

By the Act of 1833, Chapter 25¹, Sec. 1, a law was passed prohibiting the taking of Oysters with any other instrument except rakes or tongs

The Act of 1835, Chapter 216, forbids catching Oysters, to be used as manure, in Little Choptank or Hudson River, and its Creeks, in Dorchester county.

The Act of 1835, Chapter 260, Sec. 2, forbids catching Oysters to be burnt into lime in St. Mary's county.

Since these and other similar laws were passed, the minds of the people have undergone a great change in regard to dredging, and there are now about six hundred (600) dredging vessels, yet Oysters appear to be abundant and of better quality. Many persons think that dredging should be prohibited entirely ; but I cannot agree with them, I think to

stop dredging would be detrimental to the interest of the people and the State.

But there is always more or less resistance to improvements, and objections made to labor-saving machines; for instance, when the planing-mill was invented, the carpenters held meetings and resolved not to build a house with lumber prepared by the planing-mills. They no doubt honestly thought that there would be less work to be done by them, and at lower wages; but such has not been the result—wages have not fallen, neither is the timber exhausted. Many honestly thought, when the sewing-machine was invented, that the tailors and seamstresses would nearly all be without employment. I am glad to say that such is not the fact. If we expect to advance with our neighbors, we must keep pace with the improvements of the age.

The only question to be settled is, will the Oysters be destroyed by this fast way of catching them? I think the time has not yet arrived to consider that question, nor will not be upon us until many of the beds in the Chesapeake Bay and its tributaries, that have not yet been touched by the dredgers or scoopers, are torn to pieces and made to produce Oysters fit for market, and the laws repealed which prevents their being used for lime; for as soon as the beds become sufficiently thinned out by catching them to burn into lime, or any other purpose, they will become Oysters fit for use as food, and will sell for too much money to burn for lime.

But no one should be allowed to carry the old or dead shells ashore from the Oyster beds—they should be left for the spawn to catch to.

The Delaware Bay has been dredged for Oysters for about seventy years. They take up their planted Oysters with dredges, and I am informed by Delaware Bay Oystermen that there are as many Oysters caught there now every season as there were twenty years ago, and many of them say more.

If the time should arrive when restrictions should be placed upon catching Oysters in our waters, to prevent their being destroyed or becoming very scarce, I have no doubt but the Legislature of the State will be fully able to prevent such

a result by passing such laws for their protection as become necessary.

The supply and the price of Oysters are the best indicators as to whether Oysters are becoming scarce or likely to be extinguished any time soon.

In Eastern Bay, which lays between Queen Anne's and Talbot counties, we have much trouble to prevent dredging, in the absence of one of the vessels of the Fishery Force being there, and it is impossible to keep one constantly there without neglecting many other places. The area of Eastern Bay is about twelve square miles; its depth of water from four to six fathoms. There is very little tonging of Oysters in this Bay, though the whole bottom is almost covered with Oysters, from the fact that the water is too deep for tonging; and it is the same case in Chester River, along the shores of Anne Arundel county, Patuxent River, and many other places that might be mentioned.

With regard to the effectiveness of the Force to execute the law, it is impossible for the Fishery Force, with only three boats, to prevent its being violated to some extent. It must be taken into consideration that Maryland's portion of the Chesapeake Bay is one hundred and twenty miles long, with a large number of tributaries, reaching from five to thirty miles, with over six hundred dredging vessels, beside the scoopers and canoes, and it is not probable that we can, with the three boats of the Fishery Force, keep all those vessels and canoes always in their proper places in this large area of water. I have found from experience it cannot be done with the present Force. I took charge of the Fishery Force April 26th, 1872, and from that time to December 1st, 1873, there have been made by the Fishery Force one hundred and thirty-four (134) arrests for various offences, but principally for dredging on Oyster beds excluded by law.

Some Oystermen appear to be disposed to take the chances of being caught (in bad weather when they cannot dredge in the Bay) by dredging in any harbor they may be in, and when they are dredging in those waters excluded by law they generally have signal boats, and if one of the boats belong-

ing to the Fishery Force heaves in sight, a signal is made to those violating the law, and they all disappear before we can get near enough to them to see whether they are dredging or not, and anchor in some harbor, or get on the grounds where they have the right to dredge.

I think the fine for not exhibiting the license number properly, is excessive, and should be reduced to twenty-five dollars.

In relation to the time fixed for dredging, which is from the 15th of September to the 15th of May, much difference of opinion exists among the Oystermen and all others engaged in the Oyster business. My impressions are, from all the information I have been able to obtain, that it would be proper to commence the 15th of October and close on the 15th of April. We generally have frost by the 15th of October, and frost generally disappears by the 15th of April. Oysters will keep much better in the frosty season than they will after frost disappears. This would increase the opportunities of the Tongsmen when the days are long and the weather is warm.

I think to open and close the season for dredging as suggested, would be a general benefit, and do the greatest good to the greatest number of those engaged in the catching of Oysters.

All of which is respectfully submitted.

WM. E. TIMMONS,
Com. of Fishery Force of Maryland,

